

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

FUSION ELITE ALL STARS, et al., Plaintiffs, v. VARSITY BRANDS, LLC, et al., Defendants.	Case No. 2:20-cv-02600-SHL-tmp JURY TRIAL DEMANDED
JONES, et al., Plaintiffs, v. BAIN CAPITAL PRIVATE EQUITY, et al., Defendants.	Case No. 2:20-cv-02892-SHL-tmp JURY TRIAL DEMANDED
AMERICAN SPIRIT AND CHEER ESSENTIALS, INC., et al., Plaintiffs, v. VARSITY BRANDS, LLC, et al., Defendants.	Case No. 2:20-cv-2782-SHL-tmp JURY TRIAL DEMANDED

PLAINTIFFS' NOTICE OF OPPOSITION TO DEFENDANTS' REQUEST FOR EXPEDITED BRIEFING

Plaintiffs Fusion Elite All Stars, Spirit Factor LLC d/b/a Fuel Athletics, Stars and Stripes Gymnastics Academy Inc. d/b/a Stars and Stripes Kids Activity Center, Kathryn Anne Radek, Lauren Hayes, and Janine Cherasaro (collectively, “*Fusion Elite Plaintiffs*”); Plaintiffs Jessica Jones, Michelle Velotta, and Christina Lorenzen (collectively, “*Jones Plaintiffs*”); and Plaintiffs

American Spirit and Cheer Essentials, Inc., Rockstar Championships, LLC, Jeff & Craig Cheer, LLC, d/b/a Jeff and Craig Camps, and Ashley Haygood (collectively, *American Spirit Plaintiffs*”), (collectively, “Plaintiffs”) oppose Defendants’ request for expedited briefing of Defendants’ Motion for Protective Order, Doc. No. 221, filed on the night of March 25, 2022.

Plaintiffs have been taking third-party depositions in this action since November 2021—for four months. Defendants have been on notice, for months, of Plaintiffs’ intent to take the depositions of certain third-parties whose depositions they now challenge, *see e.g.* Doc. No. 178, at 6 (stating that Plaintiffs noticed the deposition of Marlene Cota on November 3, 2021). The parties already litigated the issue of certain third-party depositions in October and November 2021, with a resulting order on November 15, 2021. *See* Doc. No. 172 (governing depositions of witnesses represented by defense counsel). Defendants chose to wait until three weeks before the close of fact discovery to file their Motion for Protective Order, to interfere with certain scheduled third-party depositions, and now seek to deprive Plaintiffs of adequate time to respond, claiming exigency. Defendants do not propose any shortening of their own briefing schedule—they only seek to cut Plaintiffs’ response time in half, to account, according to them, for depositions going forward tomorrow and next week—depositions that will be completed by the time even expedited briefing is finished.

Plaintiffs proposed to Defendants that, if they desired an expedited resolution, the parties could request a hearing before Chief Magistrate Judge Pham. This request was summarily declined. It does not appear that an expedited resolution is the true aim here, but rather, that Defendants simply seek to disadvantage Plaintiffs in drafting their opposition.

Plaintiffs respectfully oppose Defendants’ request for expedited briefing and instead request to file their opposition on April 7, 2022.

Dated: March 28, 2022

Respectfully submitted,

By: /s/ Victoria Sims

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CERTIFICATE OF SERVICE

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